

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 5103-AG08-0107-006

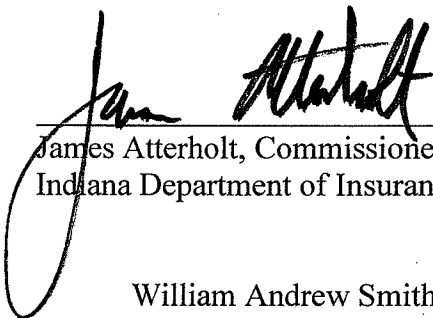
FILED
AUG 21 2008
STATE OF INDIANA
DEPT. OF INSURANCE

1. Respondent shall pay a fine to the Department in the amount of five hundred Dollars (\$500.00). Such payment will be due and payable within thirty (30) days from the date the Commissioner files the Final Order in this matter.

2. Respondent shall pay restitution to the Complainant, Mary Dome, in the amount of Thirty Thousand Dollars (\$30,000.00). Such payment will be due and payable in monthly installments of one thousand dollars (\$1,000.00) commencing within thirty (30) days from the date the Commissioner files the Final Order in this matter.

3. Respondent agrees to operate his business in compliance with Indiana Code § 27-4-1-4(8), and agrees to a probation period of thirty (30) months, or until the agreed upon fine AND restitution have been paid in full, whichever period is shorter, commencing the date the Commissioner files the Final Order.

ALL OF WHICH IS ORDERED this 21 day of August, 2008.


James Atterholt, Commissioner
Indiana Department of Insurance

Distribution:

Laura A. Willett
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street
Suite 300
Indianapolis, IN 46204-2787

William Andrew Smith
305 Yale Blvd.
Kokomo, In 46902

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 5103-AG08-0107-006

IN THE MATTER OF:

William Andrew Smith
 Producer/Respondent

305 Yale Blvd
Kokomo, In 46902

Type of Agency Action: Enforcement

FILED

AUG 21 2008

STATE OF INDIANA
DEPT. OF INSURANCE

License No.: 401675

AGREED ENTRY

This Agreed Entry is entered into by Laura A. Willett, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and William Andrew Smith ("Respondent"), an insurance agent licensed to do business in the State of Indiana, to resolve all matters in the administrative actions commenced by the Department under Enforcement Cause Number 5103-AG08-0107-006. This Agreed Entry is subject to the review and approval of James Atterholt, Commissioner for the Indiana Department of Insurance;

WHEREAS, Respondent is an insurance agent licensed to do business in the State of Indiana, holding License Number 401675; and

WHEREAS, the Department commenced an investigation of Respondent on August 15, 2006, after receiving allegations that Respondent had engaged in the sale of unregistered securities and the sale of securities without a license in violation of Indiana law; and

WHEREAS, the Department commenced this proceeding on the basis that such practice violated Indiana Code § 27-4-1-4(8); and

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without the necessity of an administrative hearing.

IT IS THEREFORE NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent acknowledges that a fair and impartial hearing has already been held in the above captioned cause and voluntarily and freely waives his right to have the Administrative Law Judge presiding over that hearing make a ruling in this matter.
4. Respondent voluntarily and freely waives his right to petition for judicial review of this Agreed Entry and the Commissioner's Final Order.
5. It is acknowledged and agreed by the Department and Respondent that this Agreed Entry is in the nature of a compromise of a disputed charge and the payment made hereunder is not to be construed as an admission of culpability or liability on the part of Respondent, and it is further acknowledged that Respondent denies culpability and liability under this disputed charge.
6. Respondent agrees to pay a fine to the Department in the amount of five hundred dollars (\$500.00). Such payment will be due and payable within thirty (30) days from the date the Commissioner files the Final Order in this matter.
7. Respondent agrees to pay restitution to the Complainant in the above captioned matter, Mary Dome, in the amount of thirty thousand dollars (\$30,000.00). Such payment will be due and payable in monthly installments of one thousand dollars (\$1,000.00) commencing within thirty (30) days from the date the Commissioner files the Final Order in this matter and every month for thirty (30) months on or before said date.

8. Respondent agrees to operate his business in compliance with Indiana Code § 27-4-1-4(8), and agrees to a probation period of thirty (30) months, or until the agreed upon fine to the Department AND restitution to Mary Dome have been paid in full, whichever period is shorter, and commencing the date the Commissioner files the Final Order.

9. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of the above captioned matter.

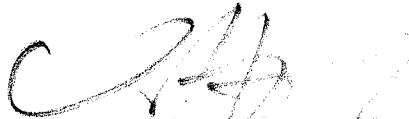
10. Respondent is aware that failure to comply with any terms of this Agreed Entry will result in the matter being turned over to the Administrative Law Judge in this case for a ruling on the hearing and in additional charges from the Department.

11. Respondent has carefully read this Agreed Entry and fully understands and accepts its terms.

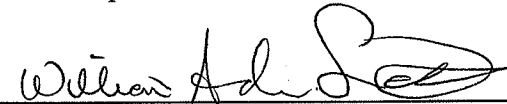
12. Respondent has been represented by counsel, James D. Crum of Coots, Henke, & Wheeler, P.C., during this matter.

7/29/08
Date Signed

7-29-2008
Date Signed



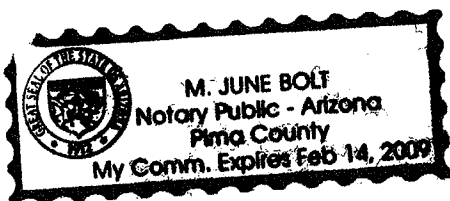
Laura A. Willett, Attorney
Indiana Department of Insurance



William Andre Smith

STATE OF ARIZONA)
) SS:
COUNTY OF Pima)

Before me a Notary Public for Pima County, State of ARIZONA,
personally appeared William Andrew Smith, and being first duly sworn by me upon his oath,
says that the facts alleged in the foregoing instrument are true. Signed and sealed this 21 day
of July, 2008.



M. June Bolt
Notary Public - Signature

M. JUNE BOLT
Notary Public - Printed

My Commission Expires: 2-14-2009

County of Residence: Pima

Return executed originals to:
INDIANA DEPARTMENT OF INSURANCE
Enforcement Division, Suite 300
311 West Washington Street
Indianapolis, IN 46204-2787
317/233-4243 - telephone
317/232-5251 - facsimile